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PRIORITY THEMES

PEACE: MEASURES TO ERADICATE VIOLENCE AGAINST WOMEN IN THE FAMILY AND SOCIETY

Report by the Secretary-General

SUMMARY

The priority theme under the rubric of peace for its thirty-eighth session was decided by the Commission on the Status of Women in the context of the first review and appraisal of the Nairobi Forward-looking Strategies for the Advancement of Women. In preparing the theme for consideration, the Division for the Advancement of Women organized an expert group meeting at Rutgers University (New Jersey). The experts took as their framework the Declaration on the Elimination of Violence Against Women and examined measures that could be adopted to address the types of violence contained therein. The experts gave weight both to preventing and punishing violence against women. They made recommendations about the types of actions at national and international levels that could address the issue. The present report presents the conclusions and recommendations of the Meeting.

* E/CN.6/1994/1.

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INTRODUCTION

1. The Commission on the Status of Women, in 1990, decided to include "measures to eradicate violence against women" on the agenda of its thirty-eighth session, in 1994, as the priority theme under the rubric of peace. As a matter of practice, mandated by the Commission at its session in 1987, the Secretariat has been requested, whenever possible, to convene an expert group or seminar to prepare the theme for consideration by the Commission. Accordingly, an expert group meeting was convened from 4 to 8 October 1994 by the Division for the Advancement of Women in collaboration with the Center for Women's Global Leadership at Douglass College, Rutgers University, New Jersey (United States of America).

2. The Commission has been seized of the issue for some time. The issue of violence against women in the family and society was a priority theme under the rubric of peace at the Commission's thirty-second session, in 1988, based on the work of an expert group meeting convened in December 1986 by the Division. On the basis of its analysis, in the context of the first review and appraisal of the Nairobi Forward-looking Strategies for the Advancement of Women, violence against women was identified as a major obstacle to the achievement of peace, one which should be given special attention.

3. While the Commission on the Status of Women continued to pay increasing attention to the issue of violence, a parallel action was taken in 1989 by the Committee on the Elimination of All Forms of Discrimination against Women, when it adopted its general recommendation 12. The Committee recommended that all States parties to the Convention should report on legislative and other measures which have been taken to address violence against women, to protect the victims by providing support services, and to compile statistics on the incidents. The Committee, at its eleventh session in 1991, adopted general recommendation 19 in which it requested further action by States parties to the Convention on the Elimination of All Forms of Discrimination against Women to combat the problem of violence against women, based on an exhaustive examination of where the issue was implicitly dealt with in the Convention which did not explicitly mention violence against women.

4. Other United Nations bodies also felt the need to tackle the problem from their own perspective. The Eighth United Nations Congress on Prevention of Crime and the Treatment of Offenders in 1990 adopted a resolution urging Member States to develop and implement policies and measures and strategies within and outside the criminal justice system to respond to the problem of domestic violence. This was endorsed by General Assembly resolution 45/114, in which, additionally, the General Assembly requested the Secretary-General to convene a working group of experts to formulate guidelines for a manual for practitioners. As a result, a publication entitled "Strategies for confronting domestic violence: a resource manual" was made available during the World Conference on Human Rights in 1993. 1/ Finally, at its substantive session of June 1993, the Economic and Social Council endorsed draft resolution 1993/26, entitled "Violence against women in all its forms", proposed by the Commission on Crime Prevention and Criminal Justice, in which it expressed its deep concern over the steady rise in the many forms of violence against women. The resolution also

condemned systematic rape, made specific recommendations to Governments and requested the Commission on Crime Prevention to include the item in the agenda at its next session.

5. With the growth of global concern with the phenomenon, the Commission took the step of drafting a declaration on the elimination of violence against women. The first draft was prepared by an expert group meeting in November 1991. Subsequently, an intersessional working group of the Commission, meeting in late August 1992, prepared a final draft which was then passed, by the full Commission, to the Economic and Social Council. The adoption of the draft declaration was recommended by the World Conference on Human Rights in June 1993. The Council, in turn, in its resolution 1993/18 of July 1993, recommended that the General Assembly adopt the draft declaration. At its forty-eighth session, on 20 December 1993, the General Assembly adopted the Declaration by its resolution 48/104.

6. In draft form, the declaration formed the main basis of the deliberations of the Expert Group Meeting on Measures to Eradicate Violence Against Women. The 10 experts were drawn from all regions and from a variety of backgrounds, including Governments and non-governmental organizations, scholars and practitioners. It included several experts who had participated in the 1986 meeting that had developed the priority theme for the 1988 session of the Commission. It also involved 43 observers from Governments, non-governmental organizations and organizations in the United Nations system. The Expert Group Meeting sought to go beyond the draft declaration and suggest what might be done to implement its provisions at national and international levels.

7. The conclusions and recommendations of the Expert Group Meeting are presented as an annex to the present report.

CONCLUSIONS AND RECOMMENDATIONS

8. Any form of violence against women is an expression of oppression and harassment which have its roots in deep-rooted concepts of relations between women and men. Over the past decade violence against women has been recognized as an obstacle to their full and equal participation in development. This vital interest has been reflected in an increasing demand for a recognition of different forms of violence to which women are exposed. Evidence from all regions of the world reveals that irrespective of any other factor women may encounter violence in the form of violence in the home, sexual assault in the street or at home, sexual harassment or intimidation at work, persecution and mass rape in armed conflicts.

9. Violence can be seen as the use of coercive forms of power: the use of force or the threat of its use to compel someone to do something that the person might not otherwise do. It is part of a continuum ranging from legitimate power (a person does something because it is right to do so) through utilitarian power (a person does something because of a reward for so doing) to coercive power.

10. It has been known for some time that rape or sexual assault is not related to sexuality; it is related to dominance and an apparent need to humiliate the

person being attacked. Similarly, battering as part of domestic violence is also at its heart an effort to assert dominance or to reassert a self-image based on dominance. 2/

11. Seen in this way, the nature of violence against women is clearer. It is used to maintain women in a subordinate position, against their will. It feeds on the subordinate position into which women can be placed in society. While the act of violence (beating, otherwise injuring, or killing) is a clear expression of coercion, so too is the systematic use of direct threats of violence (to the woman) or indirect threats (to her children), or threats of economic harm. All of these types of violence, linked to coercion, are set out in the Declaration on the Elimination of Violence Against Women.

12. What is likewise clear is that some types of violence are already prohibited by law; no society condones murder nor do many justify intentional physical injury of one person by another. Other types of violence are more problematic. Few legal systems can deal with the systematic use of threats not accompanied by a violent act. Yet this type of violence can be as effective in coercing as physical acts.

13. Each type of violence requires its own remedies. Some may come through the legal system and the police function of the State. Others may require the use of public institutions, like the education system, to influence values and attitudes. Still others may require opinion leadership by community leaders and the mass media. Rather than the punishment fitting the crime, it is more a matter of the prevention fitting the cause.

14. An essential step in combating violence against women is to take away any excuse that it might be under any circumstance legitimate. In the past, many systems implicitly stated that there were circumstances where violence against women in the family, community or in situations of armed conflict was somehow acceptable. It is important that these assumptions be rejected by society.

15. The establishment of an international norm, such as the Declaration on the Elimination of Violence Against Women, which denies the legitimacy of violence against women is an obvious first step. The next step is the expression of this norm in national law and practice. The recommendations of the Expert Group Meeting on steps to address violence against women in the mainstream human rights regime, especially through the mechanism of a special rapporteur, are relevant.

16. Within the community, acceptance of the responsibility publicly to shame persons who violate the norm of no violence can be an effective measure.

17. An obvious measure is to train military forces to understand that violence against women (or indeed against civilians generally) is not acceptable and will be punished, as indeed it should under the Geneva Conventions. Here, the recommendations of the Expert Group Meeting on violence against women in armed conflict and on the role of United Nations peace-keeping forces are important. The notion that peace-keeping troops be given a standard of conduct and be trained to recognize and deal appropriately with violence against women is worthy of consideration.

18. Because there has not been recognition in many societies that violence against women is not legitimate, there has been little attention paid to delegitimizing it. Effective means for doing this can usefully be explored. The recommendations of the Expert Group Meeting on the use of education and consciousness-raising apply here.

19. The exercise of utilitarian power suggests another range of measures to both deter and punish violence against women. Indeed, in many societies, violence against women can be combated by civil, rather than criminal, law. For example, "mental cruelty" was often a grounds for divorce, and appropriate civil penalties were enforced in such cases in the division of assets.

20. The use of civil penalties like fines for corporations that fail to combat sexual harassment, for example, may represent a means of enforcing norms. This can also take the form of compensation for the person who has been harassed.

21. On a broader scale, permitting victims of violence to collect damages from those who perpetrated the violence constitutes a remedy, which may also become a deterrent. Within groups, even those without recourse to the legal system, making the use of violence in the community or workplace a factor that hinders an individual's advancement may also be a deterrent.

22. Finally, the provision of shelters or other means by which women can escape from abusive relationships can be seen not only as a remedial measure but also one that increases the cost to the perpetrator by denying him the support provided by an abused spouse.

23. An ultimate remedy is to use the coercive power of the State to deal with the issue. In practice, this implies the criminalization of violence, wherever it is found. In the case of acts of extreme violence, like battering or murder, the State role is unquestioned. The effectiveness of using public force in less extreme types of violence is less clear.

24. This is reflected in a number of debates about the role of the State in combating trafficking, in resolving domestic conflicts, in regulating private consensual behaviour. Part of the debate revolves around the right of the State to intervene; part revolves around the capacity of the State. And part revolves about the efficacy of the remedy. In the last case, the issue is whether use of violence by the State to deter violence in the family and community does not lead to further violence. What is clear is that the use of police power is not always the best method.

25. The effectiveness and fairness of the forces of public order in dealing with violence against women and the fairness of the judicial system to prosecute and punish depends on whether that force is applied with deliberation, inevitability and fairness. One means to ensure this is to see to it that women are fairly and equally represented in the police and in the criminal justice system.

26. It should be noted that in situations of armed conflict, which involve military forces, by definition, punishment for violence against women should be

a normal part of prosecution for war crimes, as was recommended by the Expert Group Meeting as well as by a number of United Nations bodies.

27. In examining measures the Expert Group Meeting dealt with aspects of human rights, law and justice; development, education and health; and peace, peace-keeping, emergencies and armed conflict. Its recommendations merit careful study and, ultimately, reflection in international and national practice.

Notes

1/ ST/CSDHA/20.

2/ There is some evidence that, during periods of structural adjustment during which men became unemployed and women, working in the informal sector became the de facto heads of household, domestic violence increased, as men sought to assert their headship through use of coercive means.

Annex

CONCLUSIONS AND RECOMMENDATIONS MADE BY THE EXPERT GROUP MEETING ON MEASURES TO ERADICATE VIOLENCE AGAINST WOMEN

I. PREAMBLE

1. The risk of personal victimization is an increasing factor of the late twentieth century. It is a risk which is faced in the growing numbers of both national and international armed conflicts as well as in civil society.

2. All individuals face this risk of personal victimization, but it is alarmingly apparent that this risk and, accordingly, violence, is contingent on gender. There are several aspects to this contingent nature of violence. First, in general, although there are exceptions, irrespective of whether the victim is female or male, predominantly those who perpetrate violence are male. Secondly, in general, women and men experience violence distinctly. Thus, usually women and men suffer different harms, the forms of such harms being determined by the sex of the victim. Thirdly, the perpetrator of violence is frequently motivated by issues of gender, such as the need to enforce male power.

3. The concern of the Expert Group Meeting was gender-based violence against women. However, the Group well appreciated that there may be other dimensions to the victimization of women, which may include ethnicity, race, clan, class, sexual preference, disability, religion and political affiliation.

4. Gender-based violence against women has emerged over the past decade, at the international and national levels, as a matter requiring priority attention. Evidence from most parts of the world reveals that the risk of the various manifestations of this violence is common to all women. The global concern with gender-based violence against women, facilitated to a large extent by the work of the Division for the Advancement of Women, Department of Policy Coordination and Sustainable Development, United Nations Secretariat; the Committee on the Elimination of Discrimination against Women and the Commission on the Status of Women, has resulted in the elaboration of the draft declaration on the elimination of violence against women, the recognition by the Member States of the United Nations that such violence constitutes a violation of human rights, and the pending establishment by the Commission on Human Rights of a Special Rapporteur on Violence Against Women.

5. Work on gender-based violence against women undertaken by the United Nations has so far focused predominantly on alerting Member States to the scale and importance of the problem rather than on suggesting strategies that may eliminate it. The Expert Group Meeting aimed, thus, to take that further step and suggest such strategies.

6. The view of the Expert Group was that gender-based violence against women is inextricably connected to male power, privilege and control. It reiterated the viewpoint expressed in Recommendation No. 19 of the Committee on the Elimination of Discrimination against Women and the Declaration on the

Elimination of Violence Against Women that gender-based violence is a form of sex discrimination which seriously inhibits women's ability to enjoy their legally guaranteed rights and freedoms on a basis of equality with men and that it is associated with attitudes of male superiority and with the exercise of male power within the family and elsewhere. Gender-based violence, thus, is produced by and, simultaneously, reproduces power relations between women and men.

7. The Expert Group reaffirmed that gender-based violence against women occurs in all spheres of private and public life: in the family, the workplace, the community, and international and national conflict situations. Gender-based violence hurts, humiliates or engenders fear in women. It may be threatened or inflicted through physical and sexual acts and/or psychological abuse. It has various manifestations, including threats, sexual assault and physical violence in the home and elsewhere; intimidation and sexual harassment in the workplace, educational and other institutions; forced prostitution and sex trafficking, torture, sexual slavery and maltreatment in situations of unrest and armed conflict. Gender-based violence also includes harm which is very frequently justified or condoned on the basis of custom, tradition or religion, such as female genital mutilation, female initiation and widowhood rites, dowry-related violence and sati. Further, gender-based violence includes harm which is justified or condoned on the basis of the relationship within which it occurs. Some examples are marital rape, wife battery or murder excused by virtue of male honour. Justification and condonation in these contexts may be expressed in formal legal rules or at the level of an ideology that dictates the subordination of women.

8. The Expert Group Meeting considered existing national strategies which have been employed in the context of the various manifestations of gender-based violence against women. Such strategies have so far been framed in accordance with where the violence occurs. Thus, different strategies have been employed to confront violence in the family, the community and in national and international conflicts. The strategies, further, have focused predominantly on legal and service measures. In essence, these responses have been reactive, with the protection of the victim and the punishment of the perpetrator as primary concerns. Further evaluation of these strategies has only recently begun.

9. Despite the newness of evaluation, certain limitations in existing strategies have become apparent. First, States have relied on the enactment of laws as their primary response. In general, the effectiveness of these laws has been fettered by a number of factors. The actors in the legal system, including the police, prosecutors and the judiciary, have frequently responded inappropriately so as to mirror a general implicit acceptance of gender-based violence. Further, some laws have stressed punishment for perpetrators without attention to prevention and rehabilitation.

10. Here, the Expert Group Meeting considered the value of the criminalization of, specifically, domestic violence. It acknowledged the symbolic and normative force of labelling this conduct as a crime, but it noted that the system of criminal justice offers little in the way of prevention and rehabilitation. Moreover, the system may, by relying primarily on structures of coercion,

encourage coercive resolutions to conflict and, thereby, to an extent, reproduce a culture of violence. In some cases the criminal justice response has re-victimized individual women: for example, women who have been reluctant to cooperate in criminal justice measures have themselves been incarcerated.

11. Other laws have stressed the protection of victims but have failed to provide the necessary support services, such as safe shelter and counselling. Many have been introduced quickly without due regard to prevention and rehabilitation. Even where such laws have been comprehensive, implementation has been constrained by limited resources. The fundamental limitation has been, however, the fact that the law in and of itself is inadequate to remedy systemic problems such as gender-based violence against women, whose cause is rooted in the very structure and culture of societies that are patriarchal and based on inequality and discrimination.

12. The recommendations of the Expert Group, accordingly, attempted to confront that structure and culture of inequality and discrimination. Accordingly, they incorporate measures which attempt to grapple with the eradication of discrimination and inequality generally as well as the elimination of all forms of gender-based violence.

13. The Expert Group considered that the key element in the eradication of discrimination against women and, consequently, gender-based violence against women, is the principle of the universality of human rights, reaffirmed in the Declaration on the Elimination of Violence Against Women and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, in 1993. Those rights are non-derogable, and no custom, tradition or religious consideration may be invoked to limit their enjoyment. Moreover, all human rights are indivisible, interdependent and interrelated.

14. In this context the Expert Group stressed that gender-based violence against women is inextricably linked to inequality in the economic, social and cultural spheres. Hence, it cannot be solved by isolated and fragmented strategies but must be addressed in a coordinated, comprehensive and integrated way, employing resources at all levels of the national and international community. The Group stressed the important role of United Nations programmes relating to health, education, culture and development in confronting gender-based violence against women.

15. The Expert Group emphasized the individual, community, State and international costs of gender-based violence against women, which are felt in the economic, health, development, human rights and political sectors. For example, the 1993 World Bank World Development Report indicated that in established market economies, rape and domestic violence are responsible in women of reproductive age for the loss of one out of five healthy days of life. a/ It noted, however, that it is impossible to calculate adequately the extent of the loss to society, because women are not safe, free and equal, nor is it possible to estimate the full ramifications of the effects of living with violence.

16. Accordingly, the view of the Expert Group was that our societies bear major monetary and human costs because of gender-based violence against women. At the

barest minimum, this view necessitates a community, State and international effort to eliminate gender-based violence against women, be it in the private or the public sphere. More fundamentally, the Expert Group considered that the State's responsibility to act to protect the safety of individual women and to eradicate violence generally was based on the State's universally recognized responsibility to respect and ensure the fundamental human rights of all individuals within its territory.

II. RECOMMENDATIONS

17. The recommendations of the Expert Group Meeting on Measures to Eradicate Violence Against Women were divided into three sector-based categories:

(a) Human rights, law and justice;

(b) Development, health and education;

(c) Peace, peace-keeping, emergencies and armed conflict.

18. Within these categories the recommendations are divided into strategies at the international level - in particular, at the United Nations and its associated agencies - and at the national level. They cover both short-term and long-term measures. Since they are not exclusive or isolated, they must be read in an integrated fashion. They are made in light of the aims of ensuring the safety of and of empowering individual women and eradicating gender-based violence against women, generally. They reflect the Expert Group's view that gender-based violence against women is linked to and a manifestation of discrimination generally, and thus some of the recommended strategies address discrimination, while others confront the specific issue of violence.

19. The Expert Group was deeply convinced that United Nations work on the problem of gender-based violence against women should continue. Accordingly, as a fundamental recommendation it urged the Commission on the Status of Women to encourage the further development of plans of action throughout the United Nations system based on the individual recommendations of the Expert Group. It considered that such plans should be developed with and directed to all relevant international bodies, national Governments, institutions and non-governmental organizations. It encouraged the Commission on the Status of Women, in accordance with the spirit of integration set out in the 1993 Vienna Declaration and Programme of Action, to work in coordination with the relevant human rights bodies on all issues concerning violations of women's human rights. It urged further the ongoing monitoring by the Commission on the Status of Women of that work in order to integrate issues of gender on a more fundamental basis.

A. Human rights, law and justice

1. International level

20. Gender analysis should be integrated throughout the United Nations, in particular, in human rights institutions and mechanisms, including the Commission on Human Rights, the Subcommission on the Prevention of Discrimination and the Protection of Minorities, country-specific and thematic special rapporteurs, working groups and treaty bodies. It should be effected by:

(a) A biennial compilation of all references to women in the reports and proceedings of those institutions and mechanisms that are not specifically dedicated to women's concerns. The first compilation should be made available at the Fourth World Conference on Women, to be held in Beijing in 1995;

(b) Gender analysis training, which should be provided for the members of the various United Nations human rights institutions and mechanisms and the staff members who service them. The training should be developed and implemented prior to the Fourth World Conference on Women;

(c) The disaggregation by sex of data which are published both internally and externally by the bodies of the United Nations;

(d) The incorporation of gender analysis into the Human Rights Advisory Services Programme;

(e) The inclusion of gender impact analysis in the preparation of the report of the Special Rapporteur on Torture and of all other United Nations human rights mechanisms and bodies as well as in the assessment of the impact of those reports;

(f) Stressing expertise in issues of gender as a criterion for the appointment of all special rapporteurs and members of all treaty-based bodies, working groups, commissions and subcommissions;

(g) The establishment of a permanent senior position within the Centre for Human Rights to guide, coordinate and monitor the above recommendations.

21. The Centre for Human Rights should report to the Fourth World Conference on Women with respect to the progress made in the implementation of the Vienna Declaration and Programme of Action, particularly in so far as it affects gender integration.

22. As mandated by the Vienna Declaration and Programme of Action, the Commission on the Status of Women should draft an optional protocol for complaints to the Convention on the Elimination of All Forms of Discrimination Against Women with a view to its adoption by the General Assembly and for its ratification by States Parties to the Convention.

23. The Commission on the Status of Women should develop a code of universal standards and minimum rules for responses to violence against women. The

development of the code should be informed by the following: the priority consideration of the personal safety and integrity of women in confronting violence directly; the empowerment of women generally; and the obligation of States, in the context of their human rights obligations, to take all appropriate measures to prevent violence against women.

24. The Commission on the Status of Women should investigate and monitor United Nations policies and practices to preclude discrimination against women, sexual harassment and other gender-based violence by its personnel and related functionaries.

25. The Expert Group welcomed the proposed appointment of a Special Rapporteur on Violence Against Women. It urged that her appointment be made at the fiftieth session of the Commission on Human Rights and recommended that the priority consideration in her selection be recognized expertise on gender issues generally and gender-based violence in particular. It recommended that the initial appointment of the Rapporteur should be for a minimum of three years.

26. The Special Rapporteur on Violence Against Women, like the existing special rapporteurs and working groups appointed by the Commission on Human Rights, should be authorized to:

(a) Receive and report on information concerning violence against women and its causes, from Governments, intergovernmental and non-governmental organizations;

(b) Respond effectively to such information;

(c) Recommend measures to prevent continuing abuses.

27. In carrying out her mandate the Special Rapporteur on Violence Against Women should take into account, in particular, the draft declaration on the elimination of violence against women and the Convention on the Elimination of All Forms of Discrimination Against Women and the general recommendations of the Committee on the Elimination of Discrimination against Women, in particular, general recommendation 19.

28. The Special Rapporteur on Violence Against Women should receive adequate financial and human resources to support her activities, including on-site visits and follow-up.

29. The Special Rapporteur on Violence Against Women should be funded adequately to ensure, in particular, her regular attendance at meetings of the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women and relevant United Nations conferences, including, especially, the Fourth World Conference on Women.

30. The Special Rapporteur on Violence Against Women should report directly to the Commission on Human Rights. Her reports should be made available to the Commission on the Status of Women and serve as a basis for their recommendations of policy. Specifically, her reports should assist the Commission's review and

appraisal of the implementation of the Declaration, which should be presented at the Fourth World Conference on Women.

31. In accordance with the World Campaign for Human Rights, the Department of Public Information and the Centre for Human Rights, of the United Nations Secretariat, should give full publicity to the work of the Special Rapporteur on Violence Against Women and should disseminate her findings and conclusions widely.

32. The Centre for Human Rights should ensure that the Special Rapporteur on Violence Against Women has information on the work of the other special rapporteurs and working groups so that her work and theirs are coordinated and integrated.

33. The Commission on Human Rights should urge all Member States and other United Nations bodies and mechanisms to cooperate with the Special Rapporteur's functions and implement her recommendations.

34. The Secretary-General of the United Nations should communicate the present recommendations of the Expert Group Meeting to all its branches and divisions, especially those related to human rights. He should especially communicate them to the United Nations bodies and institutions concerned with crime prevention so as to assist them in their compliance with the resolutions of the Sixth, Seventh and Eighth United Nations Congresses on Prevention of Crime and the Treatment of Offenders concerning the elimination of domestic violence.

35. The Commission on Crime Prevention and Criminal Justice should expand the relevant recommendations of the Crime Congresses and other resolutions to include all forms of violence against women.

36. Bearing in mind the importance of the appraisal and review function of the Fourth World Conference on Women, the Expert Group Meeting urged the Secretary-General to prepare a report on the work of the United Nations bodies and institutions concerned with crime prevention in relation to their research with respect to violence against women and responses to such violence, to be presented to the Fourth World Conference.

37. In light of the report of the Expert Group Meeting, gender-based issues and, particularly, gender-based violence against women should be incorporated into the four agenda priority items at the Ninth United Nations Congress on Crime Prevention and the Treatment of Offenders.

38. In accordance with General Assembly resolution 45/114, Member States should exchange experiences and research findings regarding domestic violence and communicate them to non-governmental organizations.

39. At its third session in 1994, the Commission on Crime Prevention and Criminal Justice should:

(a) Urge States to gather data on a sex-disaggregated basis;

(b) Urge States to record the relationship between the victim and the offender in statistics related to violence;

(c) Request all United Nations bodies and institutions concerned with crime prevention also to gather data on a sex-disaggregated basis and record the relationship between the victim and the offender in statistics related to violence;

(d) Urge the United Nations Criminal Justice Information Network to design and integrate an information system providing appropriate data on violence against women.

40. The Secretary-General of the United Nations should request the United Nations interregional, regional and affiliated institutes on crime prevention to establish a formal network to coordinate their work on issues relating to violence against women and the equitable treatment of women within the administration of justice.

41. The United Nations bodies and institutes concerned with crime prevention should give priority to gender expertise and gender sensitivity in the appointment of any staff member to its different bodies, including any interregional advisers.

42. An interregional adviser on gender-based violence against women should be appointed within the regular programme of technical cooperation of the United Nations.

43. In conjunction with women's non-governmental organizations, the United Nations crime prevention bodies should conduct research on the effect of the criminal justice system on the individual offender and on the reduction of violence in society generally.

2. National level

44. States should undertake a review of State-sanctioned or condoned violence, such as corporal punishment in schools, youth detention centres and prisons. All procedures and processes which reinforce a culture of violence and specifically gender-based violence should be eliminated.

45. The role of the media, in all its forms, should be studied and assessed with a view to understanding their impact on gender-based violence against women. Appropriate measures should be developed and implemented in the light of that assessment.

46. States should introduce appropriate mechanisms for the ongoing review of all laws and institutions in so far as they may affect the protection of women from gender-based violence and the prevention of such violence and should further develop those mechanisms that exist already.

47. All constitutional and other legal or legislative impediments to fundamental human rights guarantees reiterated in article 3 of the Declaration on the Elimination of Violence Against Women should be repealed and removed.

48. Bearing in mind general recommendation 19, adopted by the Committee on the Elimination of Discrimination against Women, all States that have not yet ratified the Convention on the Elimination of All Forms of Discrimination Against Women should do so as a matter of priority. States Parties to the Convention should adopt legislation and other measures to give effect, in particular, to general recommendation 19.

49. Where they have not done so, States should consider the establishment of a national machinery for the advancement of women at a high political level. Where such machinery exists, it should work to ensure the implementation and the monitoring of the Declaration on the Elimination of Violence Against Women. Such machineries should be funded and provided with facilities to fulfil those functions.

50. All international and national non-governmental organizations have a critical role in the success of the mandate of gender integration recommended by the Vienna Declaration and set out in the Programme of Action. Their role should include the implementation of a comprehensive monitoring programme to the gender-integration mandate and the inclusion of the issue of gender in their own research, monitoring and other programmes.

51. All international and national non-governmental organizations should actively support and assist the implementation and exercise of the mandate of the Special Rapporteur on Violence Against Women. Such assistance should include publicizing the role and findings of the Rapporteur.

52. All international and national non-governmental organizations should urge and encourage States to pursue comprehensive measures, including legislation, to enshrine the principles of the Declaration on the Elimination of Violence Against Women.

B. Development, education and health

53. The following recommendations encompass both recommendations directed to discrimination generally and those which immediately affect gender-based violence. The recommendations directed at discrimination generally are made for a number of reasons: First, because gender-based violence against women is rooted in inequality and women's subordination; secondly, because socio-economic discrimination undermines the capacity of individual women to resist and escape situations of gender-based violence.

54. Mounting evidence suggests that by increasing poverty, unemployment and despair, structural adjustment policies may exacerbate violence against women by increasing its incidence and by making women more vulnerable; by reducing their economic power and increasing their burden due to reduction or loss of social services. The Expert Group therefore recommended that multilateral and

bilateral funders undertake studies on the impact of lending policies on women's social and economic opportunities and change lending practices so as to ensure that women do not bear undue burdens and increased discrimination. Finally, the Expert Group expressed deep concern at the way justifications relating to custom, religion and culture are frequently used in the context of gender-based violence against women. It noted that justifications based on those factors were often used also to deny women equitable access to education, health and development resources, and it reiterated article 4 of the Declaration on the Elimination of Violence Against Women which invoked States to condemn violence against women and not employ any custom, tradition or religious consideration to avoid their obligations with respect to its elimination.

1. International level

55. The United Nations Educational, Scientific and Cultural Organization (UNESCO) should develop comprehensive guidelines for Governments on integrating programmes to combat violence against women into school curricula and teacher-training programmes. Those should include human rights education, gender awareness and parenting skills, and non-violent conflict resolution.

56. Appropriate United Nations bodies and specialized agencies should cooperate to develop standardized indicators of violence against women which Governments can use routinely to collect information.

57. Policy makers and personnel of development assistance projects should receive gender-analysis training. The training should specifically encompass gender-based violence against women.

58. Bearing in mind its importance in the setting of standards concerning work and employment generally, the International Labour Organization (ILO) should be encouraged, within its mandate:

(a) To consider in its programming and training the impact of gender-based violence in areas outside the workplace;

(b) To develop guidelines for employers which elaborate their responsibilities in maintaining a safe place and system of work, particularly those which relate to export-processing zones. The guidelines should take account of the prevalence of systemic gender-based violence which threatens the personal safety and integrity of women workers.

59. The impact of privatization, free market policies, new forms of labour utilization and technological innovations on women's socio-economic status and, accordingly, the relationship of those factors with violence against women should be assessed by relevant organs of the United Nations and the multilateral financial institutions. The findings of such assessments should inform the policies of those organizations.

60. The World Health Organization's Global Commission on Women's Health should make violence against women a priority theme for research and action.

61. The World Health Organization should be encouraged to develop global data on the extent and health consequences of violence against women, including female genital mutilation, femicide, suicide, intentional injuries, rape, and sexual abuse.

2. National level

62. Recognizing the key role of education in reinforcing societal norms and its capacity to transform cultural values, all Governments should:

(a) Remove gender bias and gender stereotyping from school curricula and teaching materials;

(b) Integrate gender-awareness training, parenting skills, and non-violent conflict resolution into school curricula;

(c) Provide gender-awareness training to teachers and educators and teach them to recognize the signs of abuse.

63. Recognizing the capacity of the media to transmit both positive and negative images, all Governments should, in consultation with women's non-governmental organizations working on gender violence issues, sponsor national media campaigns designed to communicate social norms that define violence against women as unacceptable.

64. Given the importance of women's economic independence in the eradication of gender-based violence against women, Governments should ensure women's access to productive resources, including land, credit, waged employment, child care, and affordable housing, so as to ensure that they have alternatives to abusive relationships.

65. Governments should assess the impact of privatization, free market policies, new forms of labour utilization and technological innovations on women's socio-economic status and their vulnerability to gender-based violence, particularly in so far as it increases their vulnerability to such violence. They should develop ways of countering the negative consequences for women of such policies.

66. Given the crucial role of the health sector in the early identification and treatment of gender-based violence and its importance as the primary public sector response in that context, Governments should:

(a) Establish and implement model protocols for the early identification and referral of abuse victims in health-care settings, including emergency rooms and primary care facilities such as family planning and prenatal clinics;

(b) Train staff in counselling, the appropriate methods for examining victims and collecting legal evidence for prosecution;

(c) Undertake research on the incidence and prevalence of gender-related violence and include as a focus the mental health consequences of violence and the health care costs of domestic violence and rape;

(d) Integrate questions on gender violence into national health surveys and into ongoing research being conducted in relationship to AIDS, sexuality and family planning;

(e) Introduce material and training on the dynamics of all forms of gender-based violence against women into the curricula, training and professional licensing process for health-care workers such as doctors, psychologists, nurses, and midwives as well as for community-based health promoters;

(f) Sponsor training for physicians, particularly those in the forensic field, on violence against women and, in particular, the accurate collection and compilation of evidence of assault, sexual abuse and rape;

(g) Sponsor programmes to discourage alcohol and substance abuse, given the presence of alcohol and substance abuse in the context of violence generally.

67. Women's organizations should continue to undertake programmes to improve women's self-confidence and their ability to defend and protect themselves from violence.

68. All non-governmental organizations, particularly those concerned with issues relating to women should, when developing training - including training in human rights, literacy and health - incorporate issues of discrimination generally and gender-based violence against women in particular. Such training should be implemented and monitored on a regular basis.

69. In their training and awareness-raising programmes, non-governmental organizations and Governments should be encouraged, particularly at the grass-roots level, to pay special attention to traditional practices that constitute violence against women.

C. Peace, peace-keeping, emergencies and armed conflict

70. Violence against women in armed conflict and emergency situations is an egregious violation of human rights, both in terms of atrocities and in the number of persons affected. War crimes committed against women on the basis of gender have rarely been documented, are repeatedly denied and seldom addressed as war crimes.

71. Violence against women in such settings takes diverse forms, which include rape, sex trafficking, forced prostitution, military sexual slavery, kidnapping, forced labour, torture, massacre, and genocide. Moreover, refugee women, migrant and immigrant women, displaced women, women in detention as political prisoners or prisoners of war, whose situations are frequently the result of internal upheaval, including armed conflict, are particularly subject to

gender-based violence and sexual exploitation. The Expert Group urged that action be taken to ensure that all combatants, including those belonging to organized liberation movements, be governed by principles of international human rights and humanitarian law. It emphasized, particularly, that relevant provisions of the Geneva Conventions, including common article 3 of those Conventions, be interpreted to include gender-based violence against women, such as rape and sexual assault.

1. International level

72. The United Nations should address all manifestations of violence against women in war and conflict situations and should ensure that, as war crimes and crimes against humanity, they are prosecuted in accordance with international law.

73. The United Nations should establish a permanent international war crimes tribunal to prosecute war crimes, crimes against humanity and crimes committed in internal and international armed conflicts.

74. Women victims and non-governmental organizations working in the area of gender-based violence against women in internal and international conflict should have access to appropriate United Nations mechanisms in order to present their information and claims. Assistance should be provided to facilitate their initiatives.

75. International mechanisms that monitor human rights violations should give due attention to the question of reparations and compensation for women victims of crimes in war, war crimes and crimes against humanity.

76. The United Nations and other intergovernmental bodies should guide Governments in the establishment of a comprehensive and adequate compensation process for crimes committed in internal and international conflicts. The guidance should include appropriate responses to the psychological, emotional and health needs of women victims of war as well as incorporating the appropriate level of compensations.

77. The International Committee of the Red Cross, in undertaking its humanitarian activities for the protection of civilian persons and their relief, should collect data on the types and incidence of violent abuses against women. It should implement its programmes with a specific view to preventing such abuses and responding effectively to the health, security and other needs of victims. It should ensure that women are included in humanitarian delegations and undertake training programmes for delegates participating in such humanitarian activities to assist them in identifying gender-specific violations and recommend measures to prevent such violations and assist victims.

78. The United Nations should, as a matter of urgency, monitor, on an ongoing basis, the impact of gender-based violence against women in countries where peace-keeping and peacemaking forces are stationed, and commission a report on it.

79. The United Nations should be held accountable under applicable international laws when any member of any United Nations peace-keeping or peacemaking force commits an act of violence against women. Further, each Member State should be held accountable under applicable national and international law.

80. Governments whose armed forces are operating as United Nations peace-keepers or peacemakers should prosecute any staff who commits an act of violence against women under appropriate national and international laws.

81. The United Nations should establish universal rules of conduct for United Nations peace-keeping and peacemaking forces in the context of gender-based violence against women. Peace-keeping personnel should be trained in accordance with those standards.

2. Rape and mass rape

82. Rape in internal and international armed conflict, including individual acts of rape as well as systematic rape, should be prosecuted as a war crime and as a grave breach of the 1949 Geneva Convention Relative to the Protection of the Civilian Population in Times of War. Rapes committed on a mass scale should be prosecuted as crimes against humanity under customary international law.

3. Sex trafficking and sexual slavery

83. The concept of traffic in persons should not be limited to traffic for the purpose of forced prostitution, but should be widened to encompass traffic for the purpose of other activities, such as forced domestic labour, false marriages, clandestine employment and false adoptions. Provisions relating to the exploitation of prostitution and traffic in persons - for example, article 6 of the Convention on the Elimination of Discrimination Against Women - should be applicable to those situations.

84. Governments should apply the punitive sanctions relating to traffic in persons to traffickers. Prosecution and deportation under national immigration law should not be applied to the victims of such traffic.

85. The experience of being trafficked should be a basis for granting refugee status. Further, victims who wish to prosecute traffickers should be assisted in their aims. The assistance should include residence permission and legal advice.

4. Military sexual slavery

86. Governments should be held accountable for the acts of violence against women committed by their agents - soldiers, police, civil servants and others. They should take adequate and immediate action to prevent such violence, including prosecuting the perpetrators accordingly.

87. Governments should prohibit military sexual slavery and forced prostitution and take effective measures to eliminate and discourage those practices.

88. Access to United Nations records that relate to past and present practices of violence against women in situations of internal and international armed conflict and emergency should be available to all women and interested groups. In order to encourage States to make similar information available, the United Nations should develop standards to that effect.

5. Refugee and displaced women

89. The definition of refugee under the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol should be modified to include gender as one of the enumerated grounds on which a claim of a well-founded fear of persecution or actual past persecution may be based.

90. Member States should recognize claims of gender-based persecution as a basis for establishing eligibility for refugee and asylum status. They should adopt and implement the recommendations of the Office of the United Nations High Commissioner for Refugees (UNHCR) in its Guidelines on the Protection of Refugee Women. b/ Mechanisms should be put into place to ensure compliance with those guidelines.

91. The health, safety, work and educational needs of refugee women and girls, in particular those living in refugee camps, must be recognized and ensured. That should include adequate medical services, health care and nutrition; freedom from physical and sexual abuse; freedom from forced sexual contact in order to secure food or other necessities; access to education and job opportunities on an equal basis with men and boys; and the right to participate in any community leadership roles or programmes.

92. The Expert Group welcomed the October 1993 conclusions of the Executive Committee of the United Nations High Commissioner for Refugees on sexual violence. c/ It endorsed the recommendations of the Executive Committee on the development and implementation of training programmes for members of the military, law enforcers and those involved in the determination of refugee status, particularly relating to gender-based violence against women; on the wide dissemination of the UNHCR Guidelines on the Protection of Refugee Women and the promotion of equitable access for women to refugee status. The Expert Group also welcomed the support of the UNHCR Executive Committee for the recognition of refugee status on the basis of sexual violence. The Expert Group looks forward to the publication and wide dissemination of the Executive Committee's "Note on certain aspects of sexual violence against refugee women". d/

Notes

a/ Washington, D.C., World Bank, 1993.

b/ Geneva, UNHCR, 1991.

c/ A/48/12, Add.1, para. 21.

d/ A/AC.96/822 and Corr.1.